REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and following remarks.

The subject matter here pertains to the manufacture of a packaging laminate having a thermoplastic layer and laser-burned perforations formed therein. Previously, upon perforating the packaging laminate by laser burning, residual material would build up around the perforations. During processing of the laminate, the residual material, which protrudes from the first surface of the laminate, may interfere with other processing equipment such as a roller through which the laminate passes. This may lead to a build up of material on the roller, thus requiring frequent cleaning and maintenance.

To address these problems, the present application provides for a method of manufacturing a web-shaped packaging laminate, a plant in the manufacture of a web-shaped packaging laminate and a packaging laminate where a compression line is formed in a core layer of paper/paperboard and a thermoplastic material layer, and perforations are formed in the compression line. The perforations are formed in a manner that residual material from the thermoplastic layer is located substantially entirely below the level of the surrounding surface of the packaging laminate. Thus, as the packaging laminate is passed through a roller, contact between the residual thermoplastic material and the roller, or other equipment, is reduced.

Claim 1, 3, 4, 8, 10-13 and 16-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Weiteder et al ("Weiteder", U.S. Patent No. 6,007,756) in view if Masui (U.S. Patent No. 4,834,244). In rejecting Claim 1, the Official Action takes the position that Weiteder discloses the method as claimed except for

compressing the packaging laminate on the first side for the formation of a compression line in which the perforation line is formed. The Official Action relies on the disclosure of Masui to cure this deficiency, and concludes that it would have been obvious to a person having ordinary skill in the art at the time of the invention to combine Masui's method with the disclosed method of Weiteder. This rejection is respectfully traversed.

Claim 1 recites a method of manufacturing a web-shaped packaging laminate, wherein, *inter alia*, after coating a first side of the material web with a thermoplastic material, but before forming perforations, the packing laminate is compressed on the first side, thus forming a compression line in which a core layer is compressed. After compression, the perforation line is formed in the compression line. The perforation line and compression line are formed such that a build-up of residual thermoplastic material around the perforation line will substantially be located entirely below the level of the surrounding surface of the packaging laminate.

This method, as claimed, is not disclosed by either of Weiteder or Masui. The response filed on October 31, 2007 presented arguments explaining that the reliance on Masui is misplaced because Masui isn't concerned with the type of residue (resulting from laser burning a thermoplastic material) with which the Applicant is concerned. As such, a person of ordinary skill in the art would not have looked to the disclosure of Masui to modify a laser burning method, and more specifically, would not have looked to the disclosure of Masui to find residue from a laser burning procedure substantially located entirely below the level of the surrounding packaging laminate.

The most recent Official Action takes the position that the thermoplastic residue being located substantially entirely below the surrounding packaging laminate "naturally flows" from the Weiteder and Masui disclosures. In an attempt to lend support to this position, and address Applicant's previously filed argument, the Official Action notes at paragraph "33" that when compression is performed after laser perforation, it would be inherent that the ridges (i.e. the thermoplastic residue) on the sides of the perforation line would be sunken into the surface of the laminate.

However, the reasoning used in the Official Action is contradictory to what is recited in Claim 1. As noted above, Claim 1 provides that the packaging laminate is compressed after the thermoplastic coating is applied, but before the perforations are formed. Thus, the basis for the position in the Official Action, that the ridges are inherently located below the surface of the laminate "when compression is performed after laser perforation," is inconsistent with the claim language. In other words, the location of the ridges when compression is performed after laser perforation is irrelevant, as Claim 1 provides for the location of the thermoplastic residue when compression is performed before perforations are formed.

Thus, the combination of Weiteder and Masui fails to disclose the thermoplastic residue to be substantially entirely below the surrounding surface of the packaging laminate, when compression is performed before laser perforation, as recited in Claim 1. Further, such a feature is not inherent in, nor does such a feature naturally flow from, the disclosures of the Weiteder and Masui, as neither reference is concerned with the thermoplastic residue or its position relative to the packaging laminate.

The Official Action further rejects Claim 1 under § 103(a) as being unpatentable over the combination of Bowen (U.S. Patent No. 3,909,582) and Masui (paragraph "13"). Further still, at paragraph "24," the Official Action rejects Claim 1 under § 103(a) as being unpatentable over the combination of Bowen, Masui and Mayall (U.S. Patent No. 1,126,816). Both of these rejections are based on the same faulty premise discussed above, i.e. that the ridges or thermoplastic residue will be substantially located entirely below the level of the surrounding material when the compression line is formed after the laser perforation. However, as explained above, Claim 1 provides, together with the other claimed features, that the packaging laminate is compressed for formation of the compression line before the perforations are formed. For at least this reason, withdrawal of these rejections is respectfully requested.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Bowen, Masui and Mayall. Here, the Official Action relies on the disclosure in Mayall of a machine to automatically form creasings on a sheet of card or other board. The Official Action concludes that it would have been obvious to a person having ordinary skill in the art to arrange a plant for the manufacture of the claimed laminate having stations to perform the steps necessary for production of the laminate as claimed.

Claim 5 provides for a plant in the manufacture of a web-shaped packaging laminate comprising, *inter alia*, a compression tool including a roller which displays a projecting compression portion around its circumference and a counter roller which displays a smooth circumferential surface. This claimed feature is not addressed in the Official Action, nor is such a feature present in any of Bowen, Masui or Mayall.

Specifically, neither Bowen nor Mayall discloses a compression tool including a roller displaying a projecting compression portion or a counter roller together with the other elements recited in Claim 5.

Masui discloses a dispensing case with a ruled perforated line. A ruled line 18 is embossed on the top wall 12 of the case 11 with perforations 13 formed in the ruled line. Masui does not disclose this embossment or ruled line to be manufactured in a plant with a roller. Further, as shown in Figs. 4 and 6 of Masui, even if the ruled line 18 were manufactured by a roller, a counter roller displaying a smooth circumferential surface is not used. Specifically, Fig. 4 shows an embodiment where the formation of the ruled line results in a projection on the opposite side of the case 11. Fig. 6 shows an embodiment where the opposite side of the case includes a depression when the ruled line 18 is formed. In the present application, the counter roller with a smooth circumferential surface may be used to produce a smooth surface on the opposite side from the surface where the compression line is formed. Because Bowens, Masui and Mayall fail to disclose, in combination with the other claimed elements, at least a counter roller displaying a smooth circumferential surface as claimed, withdrawal of this rejection is respectfully requested.

Claim 8 is rejected under 35 U.S.C. § 103(a) by the combination of Weiteder and Masui. Similar to Claim 1, amended Claim 8 now provides for a packing laminate comprising, *inter alia*, a compression line formed on a first side of the packaging laminate and a laser-burned perforation disposed in the compression line. Build-up of residual thermoplastic material around the perforation line is substantially located entirely below the level of the surrounding surface of the packaging laminate.

The combination of Weiteder and Masui fails to disclose a packaging laminate comprising this feature in combination with the other claimed aspects of the laminate.

As provided above in the discussion of Claim 1, Weitder fails to disclose a compression line. The Official Action relies on Masui for the disclosure of an embossed ruled line 18 in which perforations are formed. The Official Action takes the position that it is inherent from the disclosures of Weiteder and Masui that any residual material or ridges would be located below the level of the surrounding surface of the packaging laminate when the compression line is formed after the perforations. As now provided in Claim 8, the compression line is formed before the perforation line. Additionally, the location of the residual thermoplastic material is not inherent in the disclosures of Weiteder and Masui. Masui does not disclose formation of the perforations by laser burning and is not concerned with the build up of residual thermoplastic material. Nor is this problem addressed by Weiteder. As provided in the M.P.E.P. § 2112, Part IV, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the result or inherency of that characteristic. Based on the disclosures of Weiteder and Masui, there is no suggestion to specifically provide the location of the residual material to be substantially entirely below the surrounding surface of the packaging laminate as recited in Claim 8. For at least these reasons, withdrawal of this rejection is respectfully requested.

Claim 8 is further rejected by the combinations of Bowen and Masui (paragraph "13") and Bowen, Masui and Mayall (paragraph "24"). However, each of

these combinations suffers the same deficiencies discussed above. Accordingly, withdrawal of these rejections is respectfully requested.

The remaining dependent claims ultimately depend from one of the independent claims addressed above, which are allowable. For at least this reason, these dependent claims are also allowable.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 23, 2008

By: 

Matthew L. Schneider
Registration No. 32814

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620